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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1075 OF 2007

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Vikas M. Mali for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : FEBRUARY 14, 2007.

P.C.:

1. Heard Advocate for the Petitioner. The Petitioner is the original Defendant and the Respondent is the original Plaintiff. contention of the Petitioner is that power of attorney holder of the Respondent-Plaintiff cannot lead evidence. Prayer made in Application dated 27th September, 2006 is that the Respondent himself may be called upon to enter the witness box and evidence of the power of attorney holder cannot be read. The said Application has been rejected by the Trial Court. The Petitioner-Defendant cannot compel the Respondent-Plaintiff to enter the witness box. If according to the Petitioner the power of attorney holder of the Respondent cannot depose before the trial Court, such contention can be always raised by the Petitioner at the time of final arguments in the suit. Whether the evidence of Power of Attorney holder is to be considered or not is a question to be decided at the time of final hearing of the suit. Subject to this clarification, Writ Petition is rejected.

JUDGE